

## **Public Notice – Environmental Regulation**

**Notice of action:** The Department of Environmental Quality (DEQ) is announcing an opportunity for public comment on a proposed revision to the Commonwealth of Virginia State Implementation Plan (SIP). The SIP is a plan developed by the Commonwealth in order to fulfill its responsibilities under the federal Clean Air Act to attain and maintain the ambient air quality standards promulgated by the U.S. Environmental Protection Agency (EPA) under the Act. If adopted, the Commonwealth intends to submit the regulation or a portion thereof to the EPA as a revision to the SIP in accordance with the requirements of § 110(a) of the federal Clean Air Act.

**Regulations affected:** The regulations of the board affected by this action are as follows: the special provisions for existing/new and modified stationary sources (Part I of 9 VAC 5 Chapter 40/50). The special provisions contain the procedures to be used to implement source surveillance measures (compliance determinations, emission testing, emission monitoring, source inspections, etc.) necessary to ensure compliance with regulatory requirements.

**Purpose of notice:** DEQ is seeking comment on the issue of whether the regulation amendments should be submitted as a revision to the SIP.

**Public comment period:** April 21, 2008 to May 23, 2008.

**Public hearing:** A public hearing may be conducted if a request is made in writing to the contact listed below. In order to be considered, the request must include the full name, address and telephone number of the person requesting the hearing and be received by DEQ by 5:00 p.m. on the last day of the comment period. Notice of the date, time, and location of any requested public hearing will be announced in a separate notice, and another 30-day comment period will be conducted.

**Public comment stage:** The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 a of the Administrative Process Act because they are necessary to conform to Virginia statutory law. Since the amendments are exempt from administrative procedures for the adoption of regulations, the Department is accepting comment only on the issue cited above under "purpose of notice" and not on the content of the regulation amendments.

**Description of proposal:** In essence, the proposed revision will consist of amendments to existing regulation provisions concerning opacity source surveillance methods. The major provisions of the proposal are summarized below:

9 VAC 5-40-20 A 3 and 9 VAC 5-50-20 A 3 are changed to permit one of three methods for determining compliance with opacity standards: (i) visual observations conducted according to EPA methods, (ii) information from certified continuous opacity monitors, or (iii) other methods approved by EPA.

**Federal information:** This notice is being given to satisfy the public participation requirements of federal regulations (40 CFR 51.102) and not any provision of state law. Except as noted below, the proposal will be submitted as a revision to the Commonwealth of Virginia SIP under § 110(a) of the federal Clean Air Act in accordance with 40 CFR 51.104. It is planned to submit all provisions of the proposal as a revision to the Commonwealth of Virginia SIP.

**How to comment:** DEQ accepts written comments by e-mail, facsimile transmission and postal mail. In order to be considered, comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5:00 p.m. on the last day of the comment period. Due to problems with the quality of facsimile transmissions, commenters are encouraged to provide the signed original by postal mail within one week. All testimony, exhibits and documents received are part of the public record.

**To review regulation documents:** The proposal and any supporting documents are available on the DEQ Air Public Notices for Plans web site (<http://www.deq.virginia.gov/air/permitting/plannotes.htm>). The documents may also be obtained by contacting the DEQ representative named below. The public may review the documents between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period at the following locations: 1) DEQ Main Street Office, 8th Floor, 629 E. Main Street, Richmond, Virginia, (804) 698-4070, 2) DEQ Southwest Regional Office, 355 Deadmore Street, Abingdon, Virginia, (540) 676-4800, 3) DEQ West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia, (540) 562-6700, 4) DEQ South Central Regional Office, 7705 Timberlake Road, Lynchburg, Virginia, (804) 582-5120, 5) DEQ Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia, (540) 574-7800, 6) DEQ Fredericksburg Satellite Office, 806 Westwood Office Park, Fredericksburg, Virginia, (540) 899-4600, 7) DEQ Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia, (804) 527-5020, 8) DEQ Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia, (703) 583-3800, and 9) DEQ Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia, (757) 518-2000.

**Contact for public comments, document requests and additional information:**  
Mary E. Major, Environmental Program Manager, Office of Air Regulatory Development,  
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